

1 BRUCE A. HARLAND, Bar No. 230477
2 MANUEL A. BOIGUES, Bar No. 248990
3 YURI G. GOTTESMAN, Bar No. 264924
4 WEINBERG, ROGER & ROSENFELD
5 A Professional Corporation
6 1001 Marina Village Parkway, Suite 200
7 Alameda, California 94501-1091
8 Telephone 510.337.1001
9 Fax 510.337.1023

10 Attorneys for Charging Party
11 SEIU, UNITED HEALTHCARE WORKERS – WEST

12 UNITED STATES OF AMERICA
13 NATIONAL LABOR RELATIONS BOARD
14 REGION 32

15 AMERICAN BAPTIST HOMES OF THE WEST
16 DBA PIEDMONT GARDENS,

17 Employer,

18 and

19 SERVICE EMPLOYEES INTERNATIONAL UNION,
20 UNITED HEALTHCARE WORKERS – WEST,

21 Charging Party.

) Case No. 32-CA-063475
)
) **SEIU, UNITED HEALTHCARE**
) **WORKERS – WEST’S LIMITED**
) **EXCEPTIONS TO THE**
) **ADMINISTRATIVE LAW**
) **JUDGE’S DECISION**

22
23
24
25 SEIU, United Healthcare Workers – West (the “Union” or “UHW”) takes the following
26 limited exceptions to the Administrative Law Judge’s Decision issued on April 16, 2012 in the
27 above-referenced case.

<u>Number</u>	<u>Reference to Decision</u>	<u>Exception</u>
1	Page 16	To the Judge's finding that Charge Nurse Lynda Hutton's written statement is confidential within the meaning of <i>Anheuser-Busch</i> , 237 NLRB 982 (1978).
2	Page 16	To the Judge's finding that the written witness statements are confidential under the blanket rule of <i>Anheuser-Busch</i> , 237 NLRB 982 (1978).
3	Page 16	To the Judge's failure to apply a balancing of interests approach under <i>Detroit Edison Co v. NLRB</i> , 440 U.S. 301 (1979), instead of applying <i>Anheuser-Busch</i> , 237 NLRB 982 (1978).

In support of the exceptions above, Service Employees International Union, United Healthcare Workers – West, joins and incorporates as its own the May 11, 2012 Brief in Support of Limited Exceptions to the Decision of the Administrative Law Judge submitted by the Counsel for the Acting General Counsel in the above-referenced matter.

Dated: May 14, 2012

Respectfully submitted,

WEINBERG, ROGER & ROSENFELD

By: 

YURI Y. GOTTESMAN
Attorneys for SEIU UNITED HEALTHCARE
WORKERS-WEST

128791/668434

PROOF OF SERVICE

I am a citizen of the United States and an employee in the County of Alameda, State of California. I am over the age of eighteen years and not a party to the within action; my business address is 1001 Marina Village Parkway, Suite 200, Alameda, California 94501. On May 14, 2012, I served upon the following parties in this action:

Mr. David S. Durham Gilbert J. Tsai Arnold & Porter, LLP Three Embarcadero Center, 7th Floor San Francisco, CA 94111-4024 david.durham@aporter.com gilbert.tsai@aporter.com	Mr. Lester A. Heltzer National Labor Relations Board Executive Secretary Office of the General Counsel 1099 14th Street, N.W. Washington, D.C. 20570 VIA NLRB'S E-FILE SYSTEM
Mr. William Baudler NLRB, Region 32 Regional Director 1301 Clay Street, Room 300N Oakland, CA 94612-5211 William.baudler@nrlrb.gov	

copies of the document(s) described as:

**SEIU, UNITED HEALTHCARE WORKERS – WEST'S LIMITED
EXCEPTIONS TO THE ADMINISTRATIVE LAW JUDGE'S DECISION**

- X (BY U.S. MAIL) I am personally and readily familiar with the business practice of Weinberg, Roger & Rosenfeld for collection and processing of correspondence for mailing with the United States Parcel Service, and I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States Postal Service at Alameda, California.
- X (BY ELECTRONIC SERVICE) By electronically mailing a true and correct copy to the email addresses set forth above.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed at Alameda, California, on May 14, 2012.


Rhonda Fortier-Bourne

128791/668622